## IN THE CLAIMS

Claims 5 and 8 are amended to correct minor typographical errors. This listing of claims will replace all prior versions of claims in the application.

1. (original)   A method for communicating a Physical Layer (PHY) mean square error (MSE) to an upper layer device driver, comprising the steps of:

(a)   receiving a frame by the PHY;

(b)   computing a MSE for the frame by the PHY;

(c)   sending the MSE and the frame to a Media Access Control (MAC);

(d)   inserting the MSE into a frame status frame (FSF) associated with the frame by the MAC; and

(e)   sending the frame and the FSF to the upper layer driver software.

2. (original)   The method of claim 1, further compromising:

(f)   extracting the MSE from the FSF by the upper layer driver software; and

(g)   computing an average mean square error (AMSE) based on the MSE by the upper layer software.

3. (original)   The method of claim 2, wherein the computing step (g) comprises;

(g1)   computing the AMSE for a history window of frames by the upper layer driver software.

4. (original)    The method of claim 2, further comprising:

      (h)    comparing the AMSE with a range of AMSE values for a payload encoding (PE);

      (i)    transmitting at the PE if the AMSE is within the range; and

      (j)    negotiating a change in the PE if the AMSE is not within the range.


5. (currently amended)    A method for communicating a PHY MSE to an upper layer device driver, comprising the steps of:

      (a)    receiving a frame by the PHY;

      (b)    computing a MSE for the frame by the PHY;

      (c)    sending the MSE and the frame to a MAC;

      (d)    inserting the MSE into a FSF associated with the frame by the MAC;

      (e)    sending the frame and the FSF to the upper layer driver software[[.]];

      (f)    extracting the MSE from the FSF by the upper layer driver software; and

      (g)    computing an AMSE based on the MSE by the upper layer software.


6. (original)    The method of claim 5, wherein the computing step (g) comprises:

      (g1)    computing the AMSE for a history window of frames by the upper layer driver software.

4

7. (original)    The method of claim 5, further comprising:

    (h)    comparing the AMSE with a range of AMSE values for a PE;

    (i)    transmitting at the PE if the AMSE is within the range; and

    (j)    negotiating a change in the PE if the AMSE is not within the range.


8. (currently amended)    A method for communicating a PHY MSE to an upper layer device

driver, comprising the steps of:

    (a)    receiving a frame by the PHY;

    (b)    computing a MSE for the frame by the PHY;

    (c)    sending the MSE and the frame to a MAC;

    (d)    inserting the MSE into a FSF associated with the frame by the MAC;

    (e)    sending the frame and the FSF to the upper layer driver software[[.]];

    (f)    extracting the MSE from the FSF by the upper layer driver software;

    (g)    computing an AMSE for a history window of frame based by the upper layer

software;

    (h)    comparing the AMSE with a range of AMSE values for a PE;

    (i)    transmitting at the PE if the AMSE is within the range; and

    (j)    negotiating a change in the PE if the AMSE is not within the range.

9. (original)    A computer readable medium with program instructions for communicating a

PHY MSE to an upper layer device driver, comprising the steps of:

    (a)      receiving a frame by the PHY;

    (b)      computing a MSE for the frame by the PHY;

    (c)      sending the MSE and the frame to a MAC;

    (d)      inserting the MSE into a FSF associated with the frame by the MAC; and

    (e)      sending the frame and the FSF to the upper layer driver software.